

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUNIOR WILLIAMS,

Plaintiff,

No. C 02-02745 JSW

v.

DALY CITY POLICE OFFICERS  
C. AUSTRIA and M. PRICE,

Defendants.

**ORDER RE OUTSTANDING  
DISCOVERY DISPUTE**

The Court, having received Plaintiff's self-styled motion for discovery on December 21, 2005, served an order to show cause on the same day requiring Plaintiff to comply with this Court's Standing Orders. The order to show cause explicitly set out this Court's requirement that in order to address a discovery dispute, the parties were required to file a joint letter not to exceed four pages. The letter was due to be filed no later than December 30, 2005. The order to show cause also required Plaintiff's counsel to show cause why the Court should not sanction him in the amount of \$500 for failure to comply with this Court's Standing Orders.<sup>1</sup>

Although on December 22, 2005, the Court received Plaintiff's counsel's response to the order to show cause why he should not be sanctioned, the response once again set out Plaintiff's position on the dispute, but without input from opposing counsel and without any indication that counsel had met and conferred in person to resolve the dispute.

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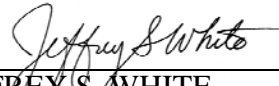
<sup>1</sup> Counsel for both parties were familiar with this Court's Standing Orders from hearings on two previous discovery disputes during which the Court reiterated its procedural requirements.

1 Having still not received a joint letter detailing the parties' positions regarding the  
2 outstanding discovery dispute, on January 10, 2006, this Court's deputy clerk initiated a call to  
3 counsel to remind them to submit a joint letter. On January 12, 2006, the Court received  
4 separate letters from counsel indicating the parties were unable to meet and confer, in person or  
5 otherwise, and setting out the parties' separate positions on the matter.

6 Although counsel have yet to follow this Court's explicit orders setting out the  
7 procedures for resolution of discovery disputes, the Court finds the current dispute both late-  
8 filed and seeking information not reasonably likely to lead to the discovery of admissible  
9 evidence. Therefore, Plaintiff's discovery request is HEREBY DENIED. Although the Court  
10 finds the conduct by Plaintiff's counsel to have violated its Standing Orders and its order to  
11 show cause dated December 21, 2005, the Court will not levy monetary sanctions at this time.

12  
13 **IT IS SO ORDERED.**

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15 Dated: January 13, 2006

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE